

Atty. Dkt. 070441/0274072
WOOLF et al. Appln. No. 09/778,956

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re PATENT APPLICATION OF

Confirmation No.: 5820

WOOLF et al.

Group Art Unit: 1631

Appln. No.: 09/778,956

Examiner: Marschel, Ardin H.

Filed: February 8, 2001

Title: A METHOD FOR ANALYZING GENE EXPRESSION DATA USING FUZZY LOGIC

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SUMMARY OF TELEPHONIC INTERVIEW

Commissioner for Patents
PO Box 1450
Alexandria, VA 22313-1450

Sir:

Applicant presents the following summary of an interview in this application between Examiner Marschel and applicant's undersigned representative, conducted by telephone on the morning of Wednesday, August 11, 2004. Applicant notes with appreciation the Examiner's review, in advance of the interview, of the Amendment filed July 29, 2004.

The Examiner agreed that the rejection under section 112 would be withdrawn. The rejection under section 101 was then discussed. The Examiner suggested that the Affymetrix claim (used as an example in the MPEP and in applicant's amendment) supported the rejection because this claim recites a conversion of the data from outside the device to inside the device.

Applicant's representative responded by noting that the section of the MPEP which cites the Affymetrix claim is headed "Manipulation of Data Representing Physical Objects or Activities" (MPEP 2106.IV.B.2.(b)(i), part 2) and that the pending claims are clearly limited to manipulation of data representing physical objects or activities. Applicant's representative argued that the pending claims thus satisfy the requirements of this section, and that the proposed additional requirement of a conversion of data from outside to inside is not supported in this section of the MPEP.